SOUTH FORK SOLAR, LLC

APPLICATION

South Fork Solar, LLC
555 S. Mangum St, Ste. 400
Durham, NC 27701

October 26, 2026

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1. Applicant Information

REQUIREMENT: per KRS 278.706(2)(a); *The name, address, and telephone number of the person proposing to construct and own the merchant electric generating facility*

COMPLIANCE: South Fork Solar, LLC ("South Fork Solar" or the "Applicant") is a Kentucky limited liability company formed on October 5, 2021. South Fork Solar, LLC is authorized to do business in Kentucky. South Fork Solar, LLC is a wholly owned indirect subsidiary of Heelstone Renewable Energy, LLC ("Heelstone"). Heelstone is actively developing solar projects across the country and provides full-service project development from early-stage development through construction and long-term ownership and operation.

The principal contact person, name, address, and telephone number for this application are provided below.

- Name: South Fork Solar, LLC
  Attn: CODEY PAULSEN, Development Project Manager
- Address: 555 Mangum Street, Suite 400
  Durham, North Carolina 27701
- Phone: (929) 352-1949

Person Responsible: Codey Paulsen

2. Description of Proposed Site

REQUIREMENT: per KRS 278.706(2)(b); *A full description of the proposed site, including a map showing the distance of the proposed site from residential neighborhoods, the nearest residential structures, schools, and public and private parks that are located within a two (2) mile radius of the proposed facility*

COMPLIANCE:

South Fork Solar is proposing to develop, construct, own and operate a 45-megawatt (MW) solar facility ("Project") located in Nicholas County, Kentucky (see Attachment A). The Project infrastructure would be situated on approximately 315 of the 498 acres of private land included in the leased Project area. The Project is located near Carpenter Pike and Miller Station Road, southeast of the site for the Bourbon County-Nicholas County Regional Industrial Park at 38.3052ºN, 84.1012ºW. The Project area currently consists of agricultural fields bordered by a forested riparian area to the south and east.

South Fork Solar plans to develop, construct, and operate the Project over its entire operating life. The Project will generate electricity through the use of photovoltaic (PV) solar panels. The Project will consist of PV panel arrays, electrical collection lines, inverters, access roads, temporary laydown yards, perimeter fencing, and electrical interconnection facilities. The interconnection facilities will include a substation, a switchyard, and a nonregulated electric transmission line connecting the substation to the adjacent switchyard and then to an existing transmission line. The line is estimated to be no more than 300 feet in length and will be located entirely within the Project boundary. The facility will deliver power to a single point of interconnection (POI) on the existing Millersburg Junction-Headquarters 69-kilovolt (kV) transmission line, owned by the East Kentucky Power Cooperative (EKPC). The Project substation and nonregulated electric transmission line will be constructed and owned by South Fork Solar, and the switchyard will be constructed by South Fork Solar and transferred to EKPC upon completion to be owned and operated by EKPC.

The Project will be enclosed in its entirety by perimeter fencing, compliant with National Electric Safety Code ("NESC") requirements. Project fencing type is yet to be determined. The current design option under consideration for the fencing surrounding the PV arrays consists of 7-foot-tall, galvanized steel fence posts spaced approximately 16 feet apart supporting an agricultural-style welded wire mesh. A separate chain link fence will enclose the substation. The Project will comply with the NESC Safety Sign Standards for Electric Utility Power Plants and Substations and will place safety signage around the facility. South Fork Solar and the engineering, procurement, and construction contractor will control site access during construction and will gate and lock all entrances to the Project when not in use following installation of the site control infrastructure.

A map and associated tables showing the location and distance of residential neighborhoods, residential structures, and public parks within 2 miles of the Project is submitted as Attachment B. There are no schools or known private parks within 2 miles of the Project, and there are no residential neighborhoods or public parks within 2,000 feet of the Project.

Person Responsible: Codey Paulsen

3. Public Notice Evidence

REQUIREMENT: per KRS 278.706(2)(c); *Evidence of public notice that shall include the location of the proposed site and a general description of the project, state that the proposed construction is subject to approval by the board, and provide the telephone number and address of the Public Service Commission. Public notice shall be given within thirty (30) days immediately preceding the application filing to:*

> *1. Landowners whose property borders the proposed site; and*
>
> *2. The general public in a newspaper of general circulation in the county or municipality in which the facility is proposed to be located*

COMPLIANCE: A sample letter that was sent to landowners whose property borders the proposed site, followed by the list of addresses and names of those landowners who were sent notices on October 20, 2026 via USPS Certified Mail, is contained in Attachment C.

Also contained in Attachment C is the affidavit of the notice published in *The Carlisle Mercury* on September 30, 2026, which is the newspaper of general circulation in Nicholas County.

Person Responsible: Codey Paulsen

4. Compliance with Local Ordinances and Regulations

REQUIREMENT: per KRS 278.706(2)(d); *A statement certifying that the proposed plant will be in compliance with all local ordinances and regulations concerning noise control and with any local planning and zoning ordinances. The statement shall also disclose setback requirements established by the planning and zoning commission as provided under KRS 278.704(3).*

COMPLIANCE: The Project is located in Nicholas County, which has not established a planning and zoning commission pursuant to KRS Chapter 100 and, therefore, has not enacted any planning and zoning for the Project location. There are no setback requirements established by a planning and zoning commission for the Project location and no noise control ordinance applicable to the Project.

South Fork Solar certifies that the Project will follow all local ordinances and regulations concerning noise control, and any applicable local planning and zoning commission ordinances in existence at the time of filing of the application. A statement certifying these facts is submitted as Attachment D.[1]

Person Responsible: Karla Weber, Codey Paulsen

[1] The Nicholas County Fiscal Court enacted an ordinance in June 2024 establishing, among other things, setback requirements for solar merchant electric generating facilities. The ordinance is not applicable to the Project because Nicholas County has not adopted county-wide planning and zoning pursuant to KRS 278.100. *See*, *Clover Creek Solar Project, LLC v. Breckinridge Cnty. Fiscal Ct.,* No. 2025-CA-0983-MR, 2026 WL 1501061 (Ky. App. May 29, 2026), *petition for discretionary review filed*, (June 25, 2026) (No. 2026-SC-0263). Similarly, in September 2026, the Nicholas County Fiscal Court enacted a one-year solar moratorium on the construction, development, and operation of solar energy systems. For the reasons stated above, this moratorium is inapplicable to South Fork Solar because Nicholas County has not adopted county-wide planning and zoning pursuant to KRS 278.100.

5. Setback Requirements

REQUIREMENT: per KRS 278.706(2)(e); *If the facility is not proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source or in an area where a planning and zoning commission has established a setback requirement pursuant to KRS 278.704(3), a statement that the exhaust stack of the proposed facility and any wind turbine is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and all proposed structures or facilities used for generation of electricity are two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility, unless facilities capable of generating ten megawatts (10MW) or more currently exist on the site. If the facility is proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source, a statement that the proposed site is compatible with the setback requirements provided under KRS 278.704(5). If the facility is proposed to be located in a jurisdiction that has established setback requirements pursuant to KRS 278.704(3), a statement that the proposed site is in compliance with those established setback requirements:*

COMPLIANCE: The Project is not proposed to be located on the site of a former coal processing plant, nor will it use any waste coal as a fuel source. No existing electricity generating facilities are on-site at the Project location.

The Project will not include any exhaust stacks or wind turbines as part of the facility, and therefore there is no established 1,000-foot setback requirement from the property boundary of any adjoining property owner to the energy generating facilities.

There are no residential neighborhoods, schools, hospitals, or nursing home facilities located within 2,000 feet of the Project's proposed structures or facilities used for generation of electricity.

No planning and zoning commission in Nicholas County has enacted a valid ordinance setting forth setback requirements, and therefore, no setbacks must be required to be disclosed pursuant to KRS 278.706(2)(d).

Person Responsible: Karla Weber, Codey Paulsen.

6. Public Involvement Report

REQUIREMENT: per KRS 278.706(2)(f); *A complete report of the applicant's public involvement program activities undertaken prior to the filing of the application, including:*

> *1. The scheduling and conducting of a public meeting in the county or counties in which the proposed facility will be constructed at least ninety (90) days prior to the filing of an application, for the purpose of informing the public of the project being considered and receiving comment on it;*
>
> *2. Evidence that notice of the time, subject, and location of the meeting was published in the newspaper of general circulation in the county, and that individual notice was mailed to all owners of property adjoining the proposed project at least two (2) weeks prior to the meeting; and*
>
> *3. Any use of media coverage, direct mailing, fliers, newsletters, additional public meetings, establishment of a community advisory group, and any other efforts to obtain local involvement in the siting process*

COMPLIANCE:

The Applicant has made significant efforts to engage and seek feedback from the community on the Project, including seeking opportunities for supporting the community where it may matter most both now and in the long term. South Fork Solar is a proud member of the Carlisle-Nicholas County Chamber of Commerce and has financially supported the Nicholas County Library. South Fork Solar looks forward to continuing to identify opportunities for community partnerships as the Project advances and to being an ongoing and enduring member of the Nicholas County community.

South Fork Solar increased engagement with local landowners, businesses, and community leaders in 2025 and 2026. South Fork Solar originally engaged in local outreach to landowners and the Nicholas County government in 2021, but additional outreach was soon paused that same year following notice of a multi-year delay in interconnection review by PJM Interconnection. Engagement efforts resumed following confirmation of viability of the Project with the interconnection advancement.

The Applicant has engaged extensively with the Nicholas County Judge Executive, County Attorney, and Fiscal Court. The Applicant has provided transparent, regular updates to the local Nicholas County government since the fall of 2025. Notably, on June 9, 2026, prior to the public information meeting, the Applicant attended a Nicholas County Fiscal Court meeting where the Applicant engaged in discussion and addressed questions, which was livestreamed to the public via *The Carlisle Mercury* on Facebook.

An in-person public information meeting was held on July 6, 2026, at the Nicholas County Public Library Community Room located at 223 North Broadway Street, Carlisle, Kentucky 40311. The meeting was scheduled during a two-hour evening window to best accommodate public schedules,

encourage meaningful dialogue, and allow citizens of Nicholas County and other interested stakeholders the opportunity to ask questions. The notice for the in-person meeting was published on June 17, 2026, in *The Carlisle Mercury*, which is the newspaper of general circulation in Nicholas County, Kentucky. The tearsheet and affidavit of publication are attached as Attachment E. In addition, individual notices of the meeting were mailed to property owners adjoining the proposed project two weeks in advance of the meeting. Copies of these letters are included in Attachment E.

The July 6 meeting was an open-house format containing multiple stations. Project personnel with relevant subject matter knowledge were available at each station to address public questions about the project. Project representatives included: Codey Paulsen (Lead Project Developer), Anthony Rotar (Project Developer), Michael Blevins (Siting Specialist), Lindsey Hesch (Environmental and Permitting Specialist), Tim Burgener (EDR: Permitting Specialist), Sean Hollowell (EDR: Economics Specialist), and Tiffany Allison (Local Engagement Consultant). Informational posters displayed at the meeting are included as Attachment F. The most commonly asked questions related to: the proposed location for the facility; components of the facility; benefits to Nicholas County residents; environmental health considerations for humans and wildlife; rural character and farmland preservation; approval requirements; and history of the Project. The Applicant engaged in conversation with members of the public at the meeting and has incorporated the provided feedback into Project design and planning. The on-site Project representatives encouraged attendees to submit written comments. A QR code was also included to direct the community for an online opportunity to submit comments as well.

The Applicant encouraged the meeting's attendees to contact it directly to arrange additional meetings, ask follow-up questions, and make suggestions on how South Fork Solar can best be a good long-term neighbor to the community. No written comments were provided at the public information meeting. Following the public meeting, South Fork Solar added additional information to its website, www.southforksolarproject.com, to address the community's commonly asked questions.www.southforksolarproject.com. The Applicant received no additional comments through the website, direct email outreach to the Project developer, or outreach to the designated Project communications email address. The Applicant made substantial efforts over the phone and in-person to follow up with all adjacent landowners after the public information meeting as well, such as going door-to-door to discuss the Project with the adjacent landowners in mid-September.

As outlined here and in the associated attachments, South Fork Solar has actively sought feedback from the community through multiple channels and worked to make itself available to community leaders and members. South Fork Solar incorporated meaningful design changes based on the feedback provided, including a proposal of wildlife-friendly fencing options, a two-acre pollinator enhancement area, and a commitment to develop a Soil and Vegetation Management Plan prior to construction to ensure the land is tended with care during our residency.

South Fork Solar has also engaged in significant outreach with Nicholas County officials about the Project. A list of these activities is included below:

- September 10, 2021 – Kurt Nelson (Development Manager, Heelstone) spoke to County Attorney Dawn Lechter on the phone and followed up with an email requesting a legal opinion confirming that Nicholas County had not adopted county-wide planning and zoning.
- October 14, 2021 – County Attorney Letcher provided the Project with a formal letter indicating Nicholas County had not adopted county-wide planning and zoning.
- October 18, 2021 – South Fork Solar follows up to clarify the business license information.
- October 29, 2021 – South Fork Solar called the Nicholas County Attorney's office and followed up via email regarding a business license in Nicholas County.
- November 10, 2021 – County Attorney Letcher confirmed via email that a Nicholas County business license is a registration with the County.
- November 3, 2025 – Anthony Rotar and Lindsey Hesch met with Judge-Executive Hamilton and County Attorney Letcher to discuss the Project and Heelstone.
- January 21, 2026 – Heelstone called Judge-Executive Hamilton to discuss the Project and schedule follow up meeting.
- January 22, 2026 – Multiple members of the South Fork Solar development team met with Judge-Executive Hamilton to discuss the Project, potential benefits the Project could provide Nicholas County, and the Project's timeline. The development team also met with County Attorney Letcher to discuss the Nicholas County solar ordinance and the Project.
- April 20, 2026 – Project representatives met with the Judge-Executive Hamilton to provide Project updates, discuss Project benefits to the County, and address the Fiscal Court's concerns. Project representatives prepared Project information in a packet for the Fiscal Court's review.
- May 21, 2026 – South Fork Solar representatives and counsel met with Judge-Executive Hamilton, County Attorney Letcher, and Magistrate Ross Haney, regarding the Project. The Project will be located in Magistrate Haney's district.
- June 9, 2026 – South Fork Solar participated in Fiscal Court workshop about the Project. Project representatives provided the Fiscal Court with information and answered questions from the Fiscal Court and community members. Nicholas County officials in attendance included Judge-Executive Hamilton, County Attorney Letcher, and Magistrates Hughes, Matthews, Crawford and Haney. *The Carlisle Mercury* also attended the workshop.
- July 6, 2026 – The Applicant hosted a public information meeting at the Nicholas County Public Library, which is described in detail above.
- July 9, 2026 – Project representatives had a follow up conversation with Judge-Executive Hamilton regarding the public meeting.
- August 25, 2026 – The Applicant met with Judge-Executive Hamilton and Project consultants.
- September 10, 2026 – South Fork Solar representatives met with Judge-Executive Hamilton to update him about the Project's updated timeline and community outreach

efforts. Project representatives also went door to door and met Adjacent Landowners to discuss the Project and answer any questions regarding the Project.

- September 14, 2026 – Heelstone representatives communicated with County Attorney Letcher regarding the proposed Nicholas County solar moratorium in advance of the second reading of the ordinance.
- September 16, 2026 – County Attorney Letcher provided Heelstone representatives a copy of the moratorium ordinance via email.
- October 9, 2026 – Codey Paulsen provided the Fiscal Court with additional informational packets about the Project prior to the regularly scheduled meeting. These packets were designed to answer questions previously raised by the Fiscal Court. Mr. Paulsen met with all members of the Fiscal Court and Judge-Executive Hamilton to discuss the Project and answer questions.

Person Responsible: Codey Paulsen

7. Efforts to Locate near Existing Electric Generation

REQUIREMENT: per KRS 278.706(2)(g); *A summary of the efforts made by the applicant to locate the proposed facility on a site where existing electric generating facilities are located;*

COMPLIANCE: Locating a utility-scale solar facility near existing electric generating facilities is rarely practical due to the different site requirements for a solar facility compared to other types of generating facilities. In addition, because a solar facility does not produce pollution, noise, waste, and other nuisances that many other types of generating facilities might introduce to an area, solar facilities can be responsibly sited in areas where many existing facilities would not be compatible. The primary site selection criteria used for solar projects are availability of land to lease and/or purchase, proximity to and available capacity on the bulk power transmission system, adequacy of solar irradiance, surrounding land uses, avoidance of sensitive natural and ecological resources, and topography of the site. As such, the site selected for the Project was determined to be uniquely suitable for the development of a solar facility, especially given the location of existing electric transmission infrastructure. However, no existing generating facilities are on the site. Efforts were made to site the Project where there is existing electricity transmission infrastructure. The Project will interconnect to an on-site, existing transmission line owned by EKPC and the Applicant will build a new switchyard on behalf of EKPC, which will be transferred to EKPC for long-term ownership.

Person Responsible: Andrew Redding

8. Proof of Service to County and Municipality Officials

REQUIREMENT: per KRS 278.706(2)(h); *Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed facility is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the jurisdiction in which the facility is proposed to be located;*

COMPLIANCE: A copy of the Siting Board application for South Fork Solar will be electronically transmitted to Nicholas County Judge/Executive on the date of electronic filing of this application. A copy of the email can be found in Attachment L as proof of service.

Person Responsible: Karla Weber

9. Effect on Kentucky Electricity Generation System

REQUIREMENT: per KRS 278.706(2)(i); *An analysis of the proposed facility's projected effect on the electricity transmission system in Kentucky;*

COMPLIANCE: The Project is located within the service territory of EKPC, which owns the transmission infrastructure to which the Project is proposing to interconnect. EKPC is part of the Pennsylvania-New Jersey-Maryland Interconnection (PJM) Regional Transmission Organization. The Project initiated a queue position with PJM on September 10, 2021, electing to interconnect on the transmission line owned and operated by EKPC. The Project was assigned the queue numbers AH1-570 and AH1-571. Due to queue reform by PJM, the Project was required to resubmit into a Transitional Cluster study. The Project submitted and signed the new study agreement on December 17, 2024. To date, PJM has completed both the Phase 1 System Impact Study Report and the Facilities Study Report for both queue positions. These are provided as Attachment G.

Person Responsible: Andrew Redding

10. Effect on Local and Regional Economies

REQUIREMENT: per KRS 278.706(2)(j); *An analysis of the proposed facility's economic impact on the affected region and the state;*

COMPLIANCE: See Attachment H for a report on the projected impact of the Project on local and regional economies, written by Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR). As detailed in the attached report, the Project will have a positive impact statewide and in Nicholas County. Land lease payments, short- and long-term job creation, and tax revenue will benefit private landowners, Project employees, businesses, and taxing jurisdictions. The Project is not expected to generate significant expenditures on behalf of these beneficiaries; therefore, it will have a positive impact on the economic conditions of these communities, as summarized below.

1. Total Statewide Economic Benefit: Construction of the Project is expected to produce an estimated $10.7 million in employment earnings and $15.4 million in total economic output. Subsequently, each year the Project is operational, it is expected to generate approximately $0.5 million in earnings and $1.1 million in total economic output.
2. Statewide Employment Benefits: During construction, the Project is expected to support demand for a total estimate of approximately 136 onsite, supply chain, and induced full-time equivalent (FTE) jobs. It is expected to support an estimated total of approximately 9 FTE jobs during each year of its operation.
3. Nicholas County Economic Benefit: Construction of the Project is expected to produce an estimated $0.5 million in employment earnings and $0.7 million in total economic output. Subsequently, each year the Project is operational, it is expected to generate approximately $0.2 million in earnings and $0.3 million in total economic output.
4. Nicholas County Employment Benefits: During construction, the Project is expected to support demand for a total estimate of approximately 8 onsite, supply chain, and induced employment FTE positions. It is expected to support approximately 4 FTE positions during each year of its operation.
5. Land Lease Revenues: The Project will result in land lease payments to participating landowners.
6. Property Tax Revenues: The Project will increase local taxing jurisdiction revenues and is estimated to generate approximately $1.6 million over its estimated lifespan.

Person Responsible: Tim Burgener, EDR

11. Record of Environmental Violations

REQUIREMENT: per KRS 278.706(2)(k); *A detailed listing of all violations by it, or any person with an ownership interest, of federal or state environmental laws, rules, or administrative regulations, whether judicial or administrative, where violations have resulted in criminal convictions or civil or administrative fines exceeding five thousand dollars ($5,000). The status of any pending action, whether judicial or administrative, shall also be submitted;*

COMPLIANCE: To the best of their knowledge, neither South Fork Solar nor any entity with direct ownership interest in the Project, has violated any state or federal environmental laws or regulations. There are no pending actions against South Fork Solar nor any entity with direct ownership interest in the Project. A statement certifying these facts is submitted as Attachment K.

Person Responsible: Lindsey Hesch

12. Site Assessment Report

REQUIREMENT: per KRS 278.706(2)(l); *A site assessment report as specified in KRS 278.708. The applicant may submit and the board may accept documentation of compliance with the National Environmental Policy Act (NEPA) rather than a site assessment report*

COMPLIANCE: The site assessment report is being contemporaneously filed herewith; please see the separately filed document titled *Site Assessment Report, South Fork Solar Project, Nicholas County, Kentucky*.

Person Responsible: Tim Burgener, EDR

13. Decommissioning Plan

REQUIREMENT: *A decommissioning plan that shall describe how the merchant electric generating facility will be decommissioned and dismantled following the end of its useful life. The decommissioning plan shall, at a minimum, include plans to:*

1. Unless otherwise requested by the landowner, remove all above-ground facilities;

2. Unless otherwise requested by the landowner, remove any underground components and foundations of above-ground facilities. Facilities removed under this subparagraph shall be removed to a depth of three (3) feet below the surface grade of the land in or on which the component was installed, unless the landowner and the applicant otherwise agree to a different depth;

3. Return the land to a substantially similar state as it was prior to the commencement of construction;

4. Unless otherwise requested by the landowner, leave any interconnection or other facilities in place for future use at the completion of the decommissioning process;

5. Secure a bond or other similar security for the project to assure financial performance of the decommissioning obligation, provided that:

a. The amount of the proposed bond or similar security shall be determined by an independent, licensed engineer who is experienced in the decommissioning of solar electric generating facilities and has no financial interest in either the merchant electric generating facility or any parcel of land upon which the merchant electric generating facility is located. The proposed amount of the bond or similar security shall be either:

i. The net present value of the total estimated cost of completing the decommissioning plan, less the current net salvage value of the merchant electric generating facility's components; or

ii. The bond amount required by a county or municipal government that has established a decommissioning bond requirement or similar security obligation in the county or municipality where the merchant electric generating facility will be located. If the facility will be located in more than one (1) county or municipality that has established a decommissioning bond or similar security obligation, then the higher amount shall be required for the facility;

b. The bond or other similar security names:

i. For property that is leased by the applicant, each landowner from whom the applicant leases land and the Energy and Environment Cabinet as the primary co-beneficiaries; or

ii. For property that is owned by the applicant, the Energy and Environment Cabinet as the primary beneficiary;

c. If the merchant electric generating facility is to be located in a county or municipality that has not established a decommissioning bond or other similar security obligation, the bond or other similar security shall name the county or municipality as a secondary beneficiary with the county's or municipality's consent;

d. The bond or other similar security shall be provided by an insurance company or surety that shall at all times maintain at least an "Excellent" rating as measured by the AM Best rating agency or an investment grade credit rating by any national credit rating agency and, if available, shall be noncancelable by the provider or the customer until completion of the decommissioning plan or until a replacement bond is secured; and

e. The bond or other similar security shall provide that at least thirty (30) days prior to its cancellation or lapse, the surety shall notify the applicant, its successor or assign, each landowner, the Energy and Environment Cabinet, and the county or city in which the facility is located of the impending cancellation or lapse. The notice shall specify the reason for the cancellation or lapse and provide any of the parties, either jointly or separately, the opportunity to cure the cancellation or lapse prior to it becoming effective. The applicant, its successor, or its assign, shall be responsible for all costs incurred by all parties to cure the cancellation or lapse of the bond. Each landowner, or the Energy and Environment Cabinet with the prior approval of each landowner, may make a demand on the bond and initiate and complete the decommissioning plan.

6. Communicate with each affected landowner at the end of the merchant electric generating facility's useful life so that any requests of the landowner that are in addition to the minimum requirements set forth in this paragraph and in addition to any other requirements specified in the lease with the landowner may, in the sole discretion of the applicant or its successor or assign, be accommodated; and

7. Incorporate the requirements of paragraphs (m)1. to 6. of this subsection into the applicant's leases with landowners.

COMPLIANCE: South Fork Solar has prepared a decommissioning plan that is consistent with these requirements, see Attachment I.

Person Responsible: Codey Paulsen

14. Cumulative Environmental Assessment Summary

REQUIREMENT: per KRS 224.10-280; *Cumulative environmental assessment and fee required before construction of facility for generating electricity -- Conditions imposed by cabinet -- Administrative regulations.*

(1) Except for a person that commenced construction of a facility prior to April 15, 2002, or that has received a certificate of public convenience and necessity from the Public Service Commission prior to April 15, 2002, no person shall commence to construct a facility to be used for the generation of electricity unless the person:

(a) Submits a cumulative environmental assessment to the cabinet with the permit application; and

(b) Remits a fee set pursuant to KRS 224.10-100(20) by the cabinet to defray the cost of processing the cumulative environmental assessment.

(2) The person may submit and the cabinet may accept documentation of compliance with the National Environmental Policy Act (NEPA) as satisfying the requirements to file a cumulative environmental assessment under subsection (1) of this section.

(3) The cumulative environmental assessment shall contain a description, with appropriate analytical support, of:

(a) For air pollutants:

1. Types and quantities of air pollutants that will be emitted from the facility; and

2. A description of the methods to be used to control those emissions;

(b) For water pollutants:

1. Types and quantities of water pollutants that will be discharged from the facility into the waters of the Commonwealth; and

2. A description of the methods to be used to control those discharges;

(c) For wastes:

1. Types and quantities of wastes that will be generated by the facility; and

2. A description of the methods to be used to manage and dispose of such wastes; and

(d) For water withdrawal:

1. Identification of the source and volume of anticipated water withdrawal needed to support facility construction and operations; and

2. A description of the methods to be used for managing water usage and withdrawal.

(4) The cabinet may impose such conditions regarding the timing, volume, duration, or type of pollutants on a permit, registration, general permit, or permit-by-rule for a facility subject to this section as are necessary to comply with applicable standards.

(5) The cabinet may promulgate administrative regulations to implement the provisions of this section.

COMPLIANCE: The Applicant's Cumulative Environmental Assessment is included as Attachment J. The Cumulative Environmental Assessment is also being submitted to the Energy and Environment Cabinet.

Person Responsible: Lindsey Hesch